



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

Memorandum

Date: December 22, 2015

To: Fran L'Heureux, Chair, & Members, Zoning Board of Adjustment

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **Nikolaos Doulamis (petitioner/owner)** – Variances under Section 3.02 of the Zoning Ordinance to permit a lot with lot area of 8,712 s.f. whereas 40,000 s. f. is required; frontage of 80 feet whereas 125 feet is required; front set back of 28 feet whereas 30 feet is required; side set back of 15 feet whereas 20 feet is required; and depth of 110 feet whereas 125 feet is required. The parcel is located at 565 D.W. Highway in the C-1 (Limited Commercial), Aquifer Conservation, and Elderly Housing Overlay Districts, and Wellhead Protection Area. Tax Map 6D1, Lot 123. Case #2015-50.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background:

The subject property is an approximately 0.2 acre parcel located at 565 DW Highway in the C-1 (Limited Commercial) and Aquifer Conservation Districts. The structure, as a single family residence is a legal nonconforming use. The property is currently serviced by public water (MVD) and sewer.

In August 2015, the property was found to be in violation of Section 9.03 – Nonconforming use of land and Section 2.02.2.B – Limited Commercial, Permitted Uses, after notice from a tenant that there were two (2) apartment units in the lower level of the residence. The property owner gave the tenants 90 days to find new housing and a site inspection in December 2015 confirmed that the apartment units were vacated.

The petitioner is proposing to convert the site to a multi-family residential use and seeks variances for lot area (8,712 s.f. whereas 40,000 s.f. is required), frontage (80 ft. whereas 125 ft. is required), front setback (28 ft. whereas 30 ft. is required), side setback (15 ft. whereas 20 ft. is required) and depth (110 ft. whereas 125 ft. is required).

Standard of Review:

It is the burden of the petitioner to demonstrate that the five criteria for the granting of a variance from Section 3.02 of the Zoning Ordinance have been met. Granting the variances will allow the petitioner to present a site plan to the Planning Board with a lot consisting of less than the required amount of lot area, frontage, front setback, side setback and depth.

Staff recommends that should the Board vote to grant the variances that they are granted with the following conditions:

- Granting of the associated Special Exception (Case #2015-47);
- The applicant shall obtain site plan approval from the Planning Board for the proposed multi-family residence.

cc: Correspondence & Zoning Board File
ec: Nikolaos Doulamis, petitioner/owner
Joseph Mitchell, Esq.
Carol Miner and Fred Kelley, Building Department
John Manuele, Fire Marshal